

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAWN CUTILLO, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DAVID CUTILLO, <i>et al.</i> ,	:	
Defendants	:	Civil No. 5:21-cv-02787-JMG
	:	
and	:	
	:	
IHA DISTRIBUTION, LLC	:	
Intervenor	:	

ORDER

AND NOW, this 30th day of June, 2023, upon consideration of Defendants’ Motion for Partial Summary Judgment (ECF No. 131), Plaintiffs’ Response in Opposition (ECF No. 134), and Defendants’ Reply Brief (ECF No. 136-1), and any exhibits attached thereto, and for the reasons provided in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** as follows:

1. Defendants’ Partial Motion for Summary Judgment is **GRANTED in part**:
 - a. Defendants’ Motion for Partial Summary Judgment is **GRANTED** with respect to Count Eight of the Second Amended Complaint.
 - b. Judgment is **ENTERED** in favor of Defendants and against Plaintiff Infinity Health, LLC as to Count Eight only.
 - c. This Court declines to exercise supplemental jurisdiction over Plaintiffs’ remaining state law claims and Defendants’ and Intervenor’s counterclaims, and they are **DISMISSED without prejudice**.

2. The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge